

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.  
JON MINOTTI,

Defendant.

M.B.D. NO.

04MBD 10195

**GOVERNMENT'S ASSENTED-TO MOTION FOR CONTINUANCE  
PURSUANT TO 18 U.S.C. § 3161(h)(8)(A)**

The United States of America, by and through the undersigned counsel, respectfully requests a continuance of the period within which to return an indictment in this matter to August 27, 2004, pursuant to 18 U.S.C. § 3161(h)(8)(A). Defendant Jon Minotti, through counsel, assents to this motion. As grounds for this motion, the government states as follows:

1. On May 20, 2004, defendant Jon Minotti and three others (David Jordan, Anthony Bucci, and Francis Muolo) were arrested pursuant to a criminal complaint (M.J. No. 04-221-JLA) charging them with conspiracy to possess cocaine with intent to distribute, in violation of Title 21, United States Code, Section 846.

2. On May 21, 2004, the defendant had an initial appearance pursuant to Fed. R. Crim. P. 5 before United States Magistrate Judge Joyce London Alexander. The government moved for detention of all defendants pursuant to 18 U.S.C. § 3142. A detention hearing for defendant Minotti was scheduled for May 24, 2004.

3. On May 24, 2004, the Court released the defendant on bond.

4. The Court conducted hearings on probable cause and detention with respect to the remaining defendants. On June 22, 2004, the Court released Jordan and Muolo on bond. On June 30, 2004, the Court issued an order detaining Anthony Bucci.

5. The government and counsel for defendant Minotti are negotiating a potential pre-indictment disposition of this matter, but have not completed those negotiations.

6. Under the terms of the Speedy Trial Act, an indictment or information ordinarily is required to be filed within 30 days of a defendant's arrest. See 18 U.S.C. § 3161(b). However, certain periods of time are excludable from this 30-day period, including periods of delay while motions are pending (18 U.S.C. § 3161(h)(1)(F)) and when the time period for a co-defendant has not yet elapsed (18 U.S.C. § 3141(h)(7)). Although the time within which to return an indictment or information has not yet elapsed with respect to defendant Minotti, the parties jointly request that the Court continue the date for the return of any indictment to August 27, 2004.

7. Michael Schneider, Esq., counsel for the defendant, has advised counsel for the government that he assents to this request for a continuance on behalf of his client. It is the position of the parties that the ends of justice will be best

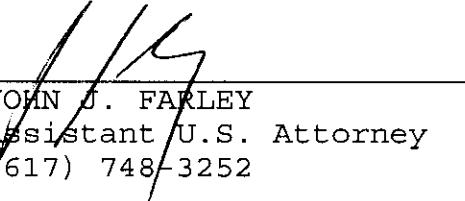
served by this continuance in that it will allow the parties additional time to attempt to arrange a pre-indictment disposition of this matter, thereby conserving judicial, grand jury, and governmental resources. It is the position of the parties that the interests of justice served by the requested continuance outweigh the interests of the defendant and the public in a speedy indictment.

WHEREFORE, for the foregoing reasons, the undersigned respectfully requests that the Court grant a continuance of the period within which to return an indictment in this matter to August 27, 2004, in the interests of justice.

A proposed Order is attached to this motion.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: 

JOHN J. FARLEY  
Assistant U.S. Attorney  
(617) 748-3252

Dated: July 6, 2004

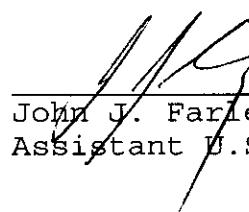
CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts  
July 6, 2004

I, John J. Farley, Assistant U.S. Attorney, do hereby certify that I have served the copy of the foregoing by U.S. mail, postage prepaid to the following:

Michael Schneider, Esq.  
95 Commercial Wharf  
Boston, MA 02110-3816  
(Counsel for Defendant Minotti)

  
John J. Farley  
Assistant U.S. Attorney